

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
February 24, 2020**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Jim King, Michael Hecht, Eric Cyprus; Town Planner Ashley Ley; Secretary Victoria Desidero. Absent & Excused: Boardmembers Armstrong and Eckardt; Town Attorney Willis Stephens

PUBLIC HEARINGS:

1. **ALFACOR, LLC, 291 Deans Corner Road** – This was a Public Hearing to Review an Application for a Special Permit for Excavation & Grading. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Nick Gaboury of Bibbo Associates and Owner Rob Alfredo appeared before the Board. Mr. Gaboury said there has been some fill brought into the site on Deans Corner Road that is represented in the green area on the map. If you look at the overall property, it's on the southern side of the property, he said, and the property borders 684 highway on the north side and Deans Corner Road on the east side of the property. He said it's a 31.5 acre property with a wetland system on the northern side of the pond that is currently vacant and the fill is a natural hillside material which was taken from the vicinity of 131 Fields Lane, which is a construction project currently owned by the owner of the site. He said moving forward the project is proposed to have two warehouses/office facility and the fill will be used as part of that overall construction. Chairman LaPerch said you are here for a violation and you are trying to clear it up so you can move forward with the application? Mr. Gaboury said prior to receiving approval for the project from the Town, the owner had brought in the fill; the green area shows the fill brought in and the brown area is for fill to be imported to the area; an additional 1500 yards of fill. Chairman LaPerch polled the Board for questions and there were none. Ms. Ley said they need a Special Permit to bring in the fill and once that's resolved they can continue with the other application. Chairman LaPerch asked the Public for any comment. Dave Englehart of Turk Hill Road said the first thing I saw in the letter sent to me was the fill on the property; it's almost 49,000 sq. ft. of fill. He said that translates to four weeks of five days/four huge trucks of soil being delivered to his property. How are the trucks going to get to the property, he asked? Mr. Alfredo said the trucks already came to the property from three properties down on Fields Lane. Chairman LaPerch said the dirt is there already; he has a violation. He said this gentleman was issued a violation by our Town Zoning Enforcement people when they noticed that there was fill being delivered to that site from an adjacent site. Mr. Englehart said OK, I just wanted to point out that 49,000 sq. ft. of fill equates to 80 huge trucks. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Mr. Gaboury said in an effort to get back on track with the main project of the warehousing site, we'd like to check on the status of the SEQRA determination and if there are any further questions regarding any of the issues. Chairman LaPerch said this is not the forum for that, but Ms. Ley will give you an answer. Mr. Gaboury said just looking for overall project status. Town Planner Ashley Ley said I believe you received our response on the traffic in January. Mr. Gaboury said our office has not received anything, but I will check again. Ms. Ley said your project is being held up until this is resolved. She said the Board could have voted tonight but the County has not responded to the GML referral although they have not had the full 30 days for response. Mr. Gaboury said can we be put on the next available agenda? Chairman LaPerch said yes.
2. **NORTHWOOD TREE CARE, 25 Fields Lane** – This was a Pubic Hearing to Review an Application for Site Plan, Special Permit and Conditional Use Permit. Peder Scott of PW Scott Engineering appeared before the Board and introduced his clients. Chairman LaPerch said this is another violation and you are here to clear it all up. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Mr. Scott said this project was approved around 1999 and constructed a 7500 sq. ft. building with a

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variance granted for outside storage of 40,000 under a light manufacturing category. He said in 2018 a Tenant Occupancy Permit was filed to allow the facility to be split so there is now a mulching operation in conjunction with a soil distribution operation. Mr. Scott said for two years the operation has been ongoing and I would like the owners to explain what they do. Chairman LaPerch said this is about the violation and we want to understand what you are doing to resolve the violation. Mr. Scott said as part of the Tenant Occupancy Permit that allows you to occupy the site, we were allowed to temporarily use areas that were outside of the confines of the 1999 approval in order to continue with the project. He said three areas were granted on a temporary basis by the Building Department. This included a 13,000-cu. yd. mulch storage area with a maximum height of 25 ft. at the rear portion of the site, an area to park vehicles and trucks along the western border of the property, and a mulching and soil operation near the existing building on the site. He said the violation consisted of material outside of the temporary area on the hillside, too much mulch where the current operation is taking place, and containers where equipment and trucks are supposed to be parked. Mr. Scott showed the Board pictures of the areas that have been pulled back into compliance. Mr. Scott said regarding the containers on the site, the company takes empty containers down to sites and leaves them there for filling purposes so there is always a truck driving with an empty or full container and these containers were waiting to be filled. He said to mitigate the number on the site they have taken the containers and reduced the number to the minimum necessary based on his demand to about 12 units. He said normally during peak season, which is spring and summer, there are no containers on the site but right now there are. Mr. Scott said one way to mitigate the exposure is to put the units in a fenced in area for visual purposes as it is an equipment component necessary for the operation of the business. He said this is a two-phase project and we have created a 100% compliant plan just to get this process in new areas where we can comply with the Zoning Regulations but keep the operations going. Chairman LaPerch said you are close: that first violation, we almost had you to the finish line until this container situation occurred and I asked Ms. Ley how do we get you legitimized. He said I think you were very close and you got this latest violation and I just asked Ms. Ley how do you remedy that. Ms. Ley said the only way for this Board to continue processing the original application is for the violation to be either remedied or the Board has to be looking at an application that would, once approved, remedy the violation. She said I don't think we've received a revised application since the last violation and we haven't seen anything from the Building Department saying that you have fixed the things that you were issued the violation for most recently. Mr. Scott said we received a violation a couple days ago, but we do have a phase one plan, which is fully compliant and utilizes already cleared areas that is fully compliant and address all the issues we have. Ms. Ley said the interim step needs to be... if you're not going to be make any changes to your site plan to address the current violations then you need to remove those trucks or piles so that the violations can be lifted. Mr. Scott said we're still complying with the Tenant Occupancy Agreement in 2018. Chairman LaPerch said I have never really seen what you keep referring to as a temporary agreement; we typically don't do temporary agreements that you are referring to here and I understand the initial violation was about the sprawl and that's a very achievable thing but Ms. Ley is saying to me we haven't received anything here and you keep referring to a temporary approval, which (Building Inspector) Mr. Levine wouldn't give. Mr. Scott said I actually did get one; we have it so that we have the plan and the language granted... Chairman LaPerch said what do you mean granted, we grant plans? Mr. Scott said when we went for Tenant Occupancy for this new split use in August 2018, we were issued a letter of approval for use of both the soil company and the mulching company, which identified areas where we could put components. Ms. Ley said I'm a little confused by the 25 ft. height of the mulch pile because your variance from the Zoning Board of Appeals specifically states that the pile can't be higher than 8 ft. so that would not be consistent with your approvals. Mr. Scott said we went over that at the time... Chairman LaPerch said you have an understanding with Mr. Levine from our Building Department that has been memorialized that you can go 25 ft.

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and you have a temporary until further notice? Mr. Scott said I don't have that document with me, but it said until we get Site Plan Approval it was a temporary stay on the sprawl. Chairman LaPerch said send it over to us. Ms. Ley said the only reason you were kept on the agenda this evening with this violation was because the Public Hearing was already noticed and we wanted to give the public who were interested in speaking to the application the opportunity to speak. Chairman LaPerch said there is some work to be done here: I don't understand the temporary and I don't understand the 25 ft. so let's get on the same page because I think these are achievable in a very short time period if there is a game plan. Mr. Scott said if I may explain we created two Site Plans here, one fully complying which is Phase 1 and we did that on purpose because we knew we had an issue with sprawl. He said we have a two-phase application with one that can handle the sprawl right away and one required we go to the ZBA (Zoning Board of Appeals). Chairman LaPerch said you need ZBA because you have a setback problem? Mr. Scott said too much in open space. Chairman LaPerch said it's tough to hold a Public Hearing when we have doubt on our Board, so once again I'd like to regroup and try to resolve but this plan leaves too many questions. Chairman LaPerch polled the Board for questions. Boardmember King said I don't have any questions at this time, they come back; it confusing. Chairman LaPerch said Boardmember Cyprus are you confused? Boardmember Cyprus said yes. Boardmember Rush said I am confused. Chairman LaPerch said I am confused on whether to ask the public because if we are confused how can we ask the public but if anyone in the audience would like to ask the applicant a question please come forward. Town Councilman John Lord said will there be a continued Public Hearing when you get answers? Chairman LaPerch said absolutely. The motion to Continue the Public Hearing to March 9, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Chairman LaPerch said let's get it solved.

3. **577 NORTH MAIN STREET, 577 North Main Street** – This was a Public Hearing to Review an Application for a Special Permit for Warehouse and Animal Kennel uses. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Bart Lansky and Barry Haitoff appeared before the Board. Mr. Lansky said the property is 3.6 acres and has about 34,000 sq. ft. of building. He said we have a new tenant called For the Love of Paws and Michelle (inaudible) is here to answer any questions. He said the tenant is defined by the Code as a kennel and we're in an Economic Development Zone and a Special Permit is required. He said we are going to need to go in front of the Town Board, but we're here for a Public Hearing tonight. Mr. Lansky said the operation occupies most of the back portion of the building; it's a 3600 sq. ft. space with an indoor agility space which is about 85 ft. x 20 ft. long; a couple smaller areas for dogs; a reception area; a modest kennel area of around 300 sq. ft.; and a grooming area. He said an outdoor dog run is anticipated and it's highlighted on the survey in the orange area. He said we're aware there is a Noise Ordinance and we are taking "mitigatory" measures that we can inside the building with acoustical tiles throughout the space, spray foam throughout the space, all the demising walls have gone up to the top and are tight so there are no internal noises. He said the outside area is only intended to be used during the daytime and we're aware of the Noise Ordinance and expect to be well below it. Mr. Lansky said there are no residences within 400 ft. of the dog run itself. Chairman LaPerch said this application, like the first two, started with a Notice of Violation. Ms. Ley said yes, they had some initial work that they did on the building that did have approvals and then they started the Site Plan Approval process and then there were some outside storage issues. Mr. Lansky said this application did start with a violation that predated the ownership. Chairman LaPerch said before these meetings I normally try to drive by the site and what I found behind your building was 15-20 garbage dumpsters. Mr. Lansky said they are there on a temporary basis. Chairman LaPerch said I don't get temporary, what does temporary mean; why are they there? He said we think we get to the finish line and I go and find 15-20 dumpsters and some are beat up looking. He continued: then I drive around the

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corner and see construction debris right behind the building. Mr. Lansky said the gentleman that rents space in the Quonset hut, Superior Pressure Washing... Chairman LaPerch said I get who he is, but being a Public Hearing and the challenges you had, I would have thought you would have told him not to put anything there because I have to get to the finish line. Mr. Lansky said I asked him to remove them, he promised he would, and then he didn't. Chairman LaPerch said what are you going to do? Mr. Lansky said those will be out of there within a few days. He said this aspect of the application, what I'm looking for is a referral to the Town Board. Chairman LaPerch said how can I give you a referral when you still have problems that are self-created. Mr. Lansky said I'll be back in front of you for the rest of the application; I'm not getting any approvals until it's done. Chairman LaPerch said this is a referral and I want to move you along; you've done a nice job visually but you keep tripping on yourself. Chairman LaPerch said you have a woman that wants to start a business in our Town, but how can I let you move along here when you just blatantly let this guy leave that there? Chairman LaPerch polled the Board for questions. Boardmember Armstrong said how long has this violation been ongoing; how long have you known that you're in violation? Mr. Lansky said there are a number of containers back there and many of them are shown on my Site Plan as an area for him to have. Mr. Lansky showed on the plans what this business owner had for outside storage and explained he has more stuff there than he is supposed to, which has recently grown. He pointed to the plans and said my two areas for outside storage, this is the trailers that are there and then the pressure washing business. This area has grown as well, he said, and the debris is mine and I was hoping to use this recycled material instead of the boulders the Board had suggested. Chairman LaPerch said that's not recycled material. Mr. Lansky said we were going to put the material in metal cages, but if that's not approvable I will have the material removed. Chairman LaPerch said I'm not looking to give you a hard time, but you're not delivering on what we ask such as the visual presentations. He said what are you going to present to the ARB (Architectural Review Board) because they will be much harder on you for visuals. Mr. Lansky said what I'm proposing for the building for the ARB is a gable roof and he pointed to area. He said there's a section for the dog run in the rear, which I'm proposing to enclose with a chain link fence. Chairman LaPerch said that's a presentation for the ARB because they are going to look at material and things like that; that's all I'm asking for is what you are planning to present to the ARB should be presented to us because we are the Planning Board and we asked for this at the last meeting; visuals so we can understand what it will look like. Mr. Lansky showed on the plans where the dog run will be and said it will be a 6 ft. galvanized chain link fence and will be in the rear of the building. Ms. Ley said this doesn't look like the typical shot-rock that would be inside a gabion retaining wall so you would need to provide a specification of this to the ARB in order for this to even be considered, otherwise it should just be boulders. Boardmember Armstrong said is there any written request to do certain things to bring this site into conformance because I have a problem with granting changes when the site is not in conformance and has not been in conformance and you're aware of it. He said I have nothing against you personally or the site, but I'm just saying that it seems illogical that we know about a problem and not do anything about it for quite a period of time and then ask for a change. Mr. Lansky said I understand... I have a tenant who has a prescribed area and he extended beyond it. He said he's had some personal issues, but I will ask again for the removal of the items as I am upset about it as well. Boardmember Armstrong said have you addressed him in say a letter from your attorney? Mr. Lansky said I try not to escalate things if I don't have to in terms of sending legal notices. Boardmember Armstrong said I am disinclined to vote on this application until what's outstanding is resolved or at least a schedule with a timetable. Mr. Lansky said the bulk of the containers will be out of there within seven days and I will notify the Planning Board Secretary when they are out. Boardmember Rush said I'm with Boardmember Armstrong, we want to get this right. Chairman LaPerch said Ms. Ley, how can we get this right and not hurt anyone that wants to do business in our Town? Ms. Ley said any of the violations that would not otherwise be remedied by this Board approving the application should be

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removed, so the dumpsters should be removed before the Board continues processing the application. She said the other items such as the outside storage area, they have been verbally told that they can stay because that would be remedied by this Board approving the Amended Site Plan Application. The actions that are still outstanding right now, she said, are the ARB needs to approve the revised fenced area and any other changes to the site such as the boulders, lighting. This Board has to make a recommendation to the Town Board for the Special Permit for the kennel use, she said, and the Town Board needs to have a Public Hearing on that and they need to vote on both the Special Permit for the kennel use as well as the Brewster Taxi use. Secretary Desidero said they did; I called Supervisor Hay and asked him today. Ms. Ley said once those have been voted on by the Town Board and ARB, you can come back to this Board for Final Site Plan Approval. Chairman LaPerch asked the public if there are any comments. Town Councilman John Lord said a pressure washing business, is that something that has been before the Board for a Special Permit? Mr. Lansky pointed to the plans and said this area here is by Conditional Use Permit and this is the area where he is doing outside storage, but he's expanding beyond so I think that's the issue. Mr. Lord said that's already been approved? Ms. Lansky said no, the process has been ongoing for a while because as I get closer to getting my approval, I get another tenant and then I'm back getting approvals. He said I went for a Special Use Permit for Brewster Taxi some time ago, but I still need my final Site Plan to be approved so as I improve the building, there are additional ARB meetings that I must attend. Mr. Lord said you can still see the trailers behind the wall. Ms. Ley said there is a maximum height allowed when you are on the property line or near it. Mr. Lansky said I have a series of about 34 rhododendrons in front of them. Barry Haitoff, partner in 577 Main Street, said when we purchased this building a while back it was in major disrepair and we've done nothing but pour hundreds of thousands of dollars into this building to make it look nice. He said there are certain things that are out of our control like the dumpsters, but like Mr. Lansky said we can assure they will be removed in the next 10 days. He said it's real painful for our progress to be stopped because we are attracting business because of the improvements in the building and we are bringing money into the Town of Southeast, but we feel like we are being punished. Chairman LaPerch said were you punished when we allowed your tenant to go in with outside storage? He said we allowed it during the process and I think we've been pretty generous in terms of the way we have been handling this but every time we get close another hurdle goes up. He said we allowed you to keep those 25 ugly trucks there before you had the approval. Mr. Haitoff said and we appreciate that but is there a way to dual track this? Chairman LaPerch said we are trying to work with you so don't tell us we are not working with you; we have rules we have to follow and if we don't follow the rules, we have a problem. Chairman LaPerch said you have the ability to control your property. Mr. Haitoff said to an extent I agree. Ms. Ley said the actions that are before the Board this evening would be to close the Public Hearing and to refer it to the Town Board for the Special Permit for the kennel and animal hospital use. Chairman LaPerch said I have no problem with that as long as there were conditions with the Permit for the kennel. Ms. Ley said you could include this in your recommendation to the Town Board that the Special Permit not be granted until the dumpsters are removed. Chairman LaPerch said I believe they are going to get that done, but in terms of the kennel what conditions are we placing when referring to the Town Board? Ms. Desidero said are there hours of operation? Ms. Ley said the Code on its own has a number of requirements for kennel uses; you must leash-walk any animals after 8:00 at night so they are already memorialized in the Special Permit regulations. She said if there is anything above and beyond those it would have to be included. Chairman LaPerch polled the Board for any conditions or recommendations you would like to see if a referral to the Town Board is made and there were none. Chairman LaPerch polled the Board for any special language for the recommendation to the Town Board. Boardmember Armstrong said I don't like to treat individual property owners differently. He said if the rules are on the books and there's a violation in general terms then I think until we feel comfortable... Chairman LaPerch said it's an informal one, it's my violation; I picked

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up on it and the Town has nothing formal here. He said they have given me their word that they will have it removed. Boardmember Armstrong said I don't know what the language should be as I'm not an attorney, but I think that what we're looking for is cleaning up the act... compliance and then moving forward. Boardmember Cyprus said I'm comfortable not punishing the kennel over the other stuff and if Ashley (Ley) thinks that everything is enough in our Code, I'm fine referring it. Boardmember Rush said I feel the same way; I'm OK with trying to find out if they need a Special Use Permit. He said they need the outside run for their business so if there was any condition from my point of view it would be that we have to get that all set up for them prior to full ratification. He said as far as finding out if there can be a kennel there, I am good with moving it along so that they're not waiting. Ms. Ley said just so the Board is aware, all kennels and animal hospitals shall comply with Chapter 96 Noise of the Code of Town of Southeast "*all boarding of dogs or other customary household pets shall be indoors. No outdoor commercial dog kennels are permitted.*" Boardmember Hecht said I think the last time they talked about their hours of operation. Ms. Ley said right, so "*no outdoor run shall be less than 100 ft. from any lot line within a commercial zoning district or 200 ft. from any lot line that abuts a residential zoning district. No dog shall be permitted in outdoor runs before 8:00 am or after dark or 8:00 pm. All dogs shall be leash walked and kept quiet while outside between the hours of 8:01 pm and 7:59 am.*" Mr. Lansky said to confirm we are more than 100 ft. away from the property line and we're bordered by commercial property. Ms. Ley said one of the things the Board could recommend is if there is a maximum number of animals that can be boarded. She said there is a ratio that's included in the Code for a base. Chairman LaPerch said did you say 50 Mr. Lansky? Mr. Lansky said last time I didn't indicate, I assumed, but it's a large space and almost everything is going to occur inside but they do need some outdoor space. He said in terms of location I don't see the dogs impacting anyone back there. Chairman LaPerch said the Town Board will make that decision, we will just make a recommendation at this point. Boardmember Rush said I know you're 400 ft. from the residential property but I can't imagine 50 dogs barking not traveling. Mr. Lansky said there is noise in that area as there is a maintenance yard right behind us and an auto repair place back there. He said 50 is the maximum noted and the outdoor space is not intended to be used... they're not intended to be left outside at night; not all 50 will be outside at one time. She currently has 30 some-odd dogs and not all of them board, he said. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. The motion to refer the application to the Town Board for Special Permit was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 2 absent.

4. **STATELINE RETAIL / RESTAURANT DEPOT, 3711-3751 and 3685 Danbury Road** – This was a Public Hearing to Review an Application for a Subdivision, Site Plan, Wetland Permit and Special Permit. The motion to Declare Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Jeff Contelmo of Insite Engineering appeared before the Board. Mr. Contelmo said as the Board is aware, we are here this evening for Subdivision Application and simultaneously before the Town Board for a Site Plan, Special Use, and Wetland Permit for a large retail establishment proposed. The subdivision being proposed is a re-subdivision of 44 acres of land between Route 6 and Route 84, he said, that was previously approved for Stateline Retail Center. He said the current proposal is to re-subdivide the two lots into a total of three lots and this would be comprised of a 4-acre lot, an 11-acre lot, and the balance a 20-acre lot. He said there was a Public Hearing last week for the Site Plan by the Town Board. Chairman LaPerch said I think you received our wetland consultant... are there any comments on the letter? Mr. Contelmo said no we received (Wetland Inspector) Mr. Coleman's comments and AKRF's comments and we are continuing to work on them, but as far as the subdivision goes this

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evening, we believe that our file is in order and we'd like to continue that process. Chairman LaPerch polled the Board for questions. Boardmember Cyprus said the equipment area that Ashley (Ley) mentioned in her memo, what is that for? Mr. Contelmo said that's the building equipment that has to do with the chillers and refrigeration portion of the building functions. He said within that enclosure is mechanical equipment and we do have some details on some enhanced fencing that's going to be done in that area that we will present to the Board and the ARB as we understand the sensitivity of that area. He said if you look at the plan, we spent a little bit more time with the landscaping in and around that area. Chairman LaPerch asked the public if they have any questions or comments. Peder Scott said I have a self-serving question and I'm wondering: I researched the DOT (Department of Transportation) with regard to what we're doing with those openings in a divided highway... as to what response you've gotten in utilizing those existing openings for your movements onto the site? Mr. Contelmo said this has to do with our Site Plan but a similar question came up at the Town Board: the DOT had been very focused on us approving the conditions to how traffic and configuring left turns so we are adding a left turn lane across Farrington Road and re-establishing perpendicular connection on Farrington Road. He said it will be set up with a new left turn left lane and future signal should that be required. He said as far as the other openings in the median, along our frontage they want certain of those closed because they really don't provide any purpose. He said they are only looking at our frontage right now so it's very localized. He said the DOT did comment that those openings were created in a haphazard way back in the day and they would love to see it changed, but our improvements only have to do with our frontage. Ms. Ley said future lots would need to be addressed on an individual basis. She said for this particular application the DOT said that they would only allow entrance into that one area where they're making the four-way improvement. Ms. Ley said I would just like to clarify for the Board: because you are Lead Agency on this you can also ask any questions that would be related to your SEQRA determination in addition to any subdivision questions. Chairman LaPerch said does everyone know that this project as a whole was approved and now they're just subdividing this lot off with x amount of square feet and he still has a balance of x to be built and he is just accommodating this curb cut for this project at this point? Mr. Contelmo said right, the Restaurant Depot part of this project, which is a 57,500 sq. ft. building proposed on Lot 2. He said the remaining square footage of the eastern portion is about 127,000. Town Councilman John Lord said I wondered about the frontage on the rest of the project: any improvements along the whole front, will that be done? Mr. Contelmo said not with this initial phase of work. He said the improvements will be in front of Restaurant Depot and in and around the new entrance driveway across from Farrington. The eastern portion of the property will remain as is for now, he said. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

5. **PROSWING SUBDIVISION, 273 Starr Ridge Road** – This was a Public Hearing to Review an Application for a Subdivision. The motion to Declare Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Attorney Richard O'Rourke of Keane & Beane and Kathleen Gallagher of Insite Engineering appeared before the Board. Mr. O'Rourke said this is a two-lot subdivision that is totally conforming. He said the first lot is the lot that is located here and bears the street address of 273 Starr Ridge Road and that's where there is a very large house with a five-car garage and pool in the back and that lot will consist of 7.818 acres. The second lot, he said, is a lot that has frontage of approximately 890 ft. along Starr Ridge Road. There is no development proposed, he said, the structures are already existing and we are just creating two lots that are totally conforming. Boardmember King said the additional lot that is being created are these the Open Land lot? Mr. O'Rourke said that is correct. Boardmember

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Armstrong said the second lot is vacant right now? Mr. O'Rourke said that is correct. Chairman LaPerch open comment up to the public. Town Councilman John Lord said has a street address been assigned to the next lot? Ms. Gallagher said as part of the Final Plat we do have that and it is 309 Starr Ridge Road. Ms. Desidero said it's the Assessor who actually gives you that. Ann Fanizzi said in the January 13 minutes of this Board it was stated that there would a large parcel of approximately 100 acres that would... may be under conservation easement. She said well that thought remains in my mind because we had a Town Board meeting just last week and what I couldn't tease out was the fact that this large parcel of 100 acres was intimately connected with a plan to swap land on Pugsley Road and that was confirmed because I have, through a FOIL, a report of a meeting that you Mr. LaPerch were present at and I believe Mr. Larca was present and Ms. Ley you were present and Ms. Eckhardt was present. She continued: this particular report given by Mr. O'Rourke to the Supervisor was dated February 7, which was a full three days after the workshop meeting that I attended. She said we then met with Tom LaPerch and I'll read some of it in case you're not aware of it 'at least some of those present expressed that while they liked the concept' and I do have the concept for that particular parcel and it's quite an elaborate sports project. She said they said 'it would be tough to get an approval. After talking about where else we could do the project...' Oh excuse me, Ms. Fanizzi said, I wanted to ask you Mr. LaPerch: when did the meeting take place? Chairman LaPerch said it's a Thursday morning meeting that we have where applicants come in. Ms. Desidero said the date is on there. Ms. Fanizzi said no it's not, all I have is the report. Chairman LaPerch said I don't remember off the top of my head but we did have a meeting. Ms. Fanizzi said do you have notes? Ms. Desidero said no, we have an agenda from that meeting, but I don't take notes. Ms. Fanizzi said you have the agenda... one time I did get some notes. Ms. Desidero said I do jot things down but they're not really minutes. Ms. Fanizzi said well it had to occur certainly between the time there was the purchase of the land at the end of December and the January 13 meeting. She said there was a discussion about the Town owned property on Pugsley Road, do you recall who raised that particular suggestion? Chairman LaPerch said I don't remember. I do remember the conversation, he said, and I think the words I kept using 'it's going to be a very heavy lift, I doubt you'll get this approved on Starr Ridge Road.' Ms. Ley said the zoning for residential Zoning Districts, which is what Starr Ridge is, is designed so that recreation uses are really supposed to be more like Little League fields, something more of a local use; Town-owned recreation not a commercial use so that was the guidance that was given to this applicant at that meeting. Ms. Fanizzi said I'm sure you're aware of this because I mentioned it at the Town Board meeting because I always thought that residential had a particular protection and nothing else could go on it, but sure enough on the R-160... Ms. Ley said there are a variety of uses that are allowed in the R-160. Ms. Fanizzi said are you taking my words? They had conditional uses, she said, which the Planning Board agreed to and they had Special Permit uses, which the Town Board approved and I was really surprised to see there were at least 10 different uses that you would never think that on a scenic history route you would even place there. She said that particular community does not particularly have a plethora of athletic fields. She said the report also mentions the land swap. Chairman LaPerch said this has nothing to do with the action that is here tonight. Ms. Fanizzi said but it does. Ms. Ley said the only action that's before this Board is the subdivision. Chairman LaPerch said it's your time and I'll let you finish but I just want to make it very clear that this action has nothing to do with what's going on with the Town Board, we're just working on this action. Ms. Fanizzi said you're looking at this particular parcel and the parcel not only includes the two-lot subdivision, but it also includes this other parcel. Chairman LaPerch said no it doesn't. Ms. Ley said this is a privately owned property that is being subdivided into two lots. If they decide they want to pursue the park land swap they could walk away and sell this lot as a residential house lot, she said. She said there's nothing connecting them. Ms. Fanizzi said it appears that there is a connection because of the timing of the various Town Board meetings and the Public Hearings. She said there appears to be more than a connection and to me it reminded

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me... you know I went back to my old math, the rent diagrams where you had an overlap; here you have an overlap of proposals that affect both this property and the Pugsley property. She said they are intertwined, interconnected absolutely. Ms. Fanizzi said Mr. O'Rourke said 'with the uncertainties that remain, the lack of ownership of the property and the highly speculative future the land swap standing on its own...' Chairman LaPerch said once again this is not part of this application and we're not judging anything else that goes on other than are they compliant with their process here. Ms. Fanizzi said I understand that you're compartmentalizing the subdivision. Chairman LaPerch said that's the action in front of us tonight so anything that Mr. O'Rourke might have said in other forums does not apply to this application. Ms. Fanizzi said but because of this report... Chairman LaPerch said what report is that? Ms. Fanizzi said I got it from the Town... Supervisor Hay. Mr. O'Rourke said you are absolutely correct; this has nothing to do with anything other than this is a two-lot subdivision of property with both lots totally conforming and they are not proposed for any development whatsoever. He said we have nothing else to do with this property at present other than this application pending before this Board. Ms. Fanizzi said I obtained this through a FOIL because at the Town Board presentation Mr. Hay wasn't happy about my ad, but anyway, in it he mentioned a concept plan and I wrote down concept plan and I sent out a FOIL. She said oh I'm sorry... then Attorney O'Rourke confirmed it by saying yes, we discussed this whole thing and so forth and so on and so I said let me see if there is some kind of a report. She said I agree absolutely that right now you have compartmentalized this particular development, but what I've said is that what you have not compartmentalized is the owner of not only the two lots but also of the 10 acres that remain and the 100 acres that remain are intertwined with what is going on with the Town Hall. Elizabeth Kiss of 245 Starr Ridge Road said I want to know how this will affect us or how this subdivision is going to be done because I don't know how they are going to enter the other land. Chairman LaPerch said they have frontage. Ms. Gallagher showed on the plan how the access to the properties would take place. She said 309 Starr Ridge has about 1000 ft. of frontage where this can be access in the future if there is proposed development. Ms. Kiss said how would they subdivide the property? Ms. Gallagher showed on the plan how the subdivision would look. Dave Englehart said I understand we're talking about ProSwing has nothing to do with what's going to be built possibly on the 94 acres, it's basically the subdivision of a 100-acre piece of property, am I correct? Chairman LaPerch said into two conforming lots. Mr. Englehart said there was something written up in the paper about a meeting that you had earlier in February talking about a sporting complex, what is that all about. Mr. O'Rourke said I believe that ad was prepared by Ms. Fanizzi, but she had some mistaken facts. He said what was proposed was as far as the application before the Town Board was a proposal whereby this land, the larger lot, would be conveyed to the Town and to remain permanently as Open Space. He said in exchange for that a smaller lot that has less fair market value located on Pugsley Road would be used for possibly the development of a recreational facility. He said the reason for that... while the Starr Ridge property could be used for recreation purposes but it's on a historic road and as Chairman LaPerch said an approval for something like that is a 'heavy lift.' He said the issue is that the property that's on Pugsley Road... a recreation baseball diamond is a permitted use as of right, the Zoning is different. He said that property is currently owned by the Town so the thought process was this property on Starr Ridge Road, if this were to occur and there are a multitude of steps to go through including approval by New York State Legislature, a bill signed by the Governor, and what was being proposed was that the property at Pugsley Road would be the site of a sports complex if and when all of the other steps were followed through. However, Mr. O'Rourke said, the important thing for tonight's Public Hearing as was pointed out by Chairman LaPerch, that has nothing to do with this. He said this is a conforming application to create two lots for residential use with no proposed development. Mr. Englehart said but the people that are subdividing this property... are they going to be the people that live in the smaller parcel; do they own all the land and suddenly want to subdivide and keep that smaller parcel for themselves and sell the rest of property? Mr. O'Rourke

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said they bought a piece of property they thought was a good investment and the theory is to create a two-lot subdivision. Chairman LaPerch said Ms. Fanizzi I once again ask you; we are not going to talk about anything not pertaining to this. Ms. Fanizzi said I understand, however this is a personal privilege since Mr. O'Rourke said there were some statements in the ad that I published. She said I just want to correct one thing: in the sketch plan, and Mr. O'Rourke you know that sketch plan, that was attached to the report that you made, the applicant with the two lots had in mind when he originally bought this property, had in mind to put a sports complex. He wanted to put four baseball fields, four little league fields, two soccer fields, indoor facilities with offices, 16 batting cages, two parking areas with 270 spaces, two concession and restroom buildings, a fitness room, fitness stations, possible future multi-sport field, pedestrian bridge, she said, so I just wanted to make that note. Ida Valvano of 282 Starr Ridge Road said it's important for me to know if there could ever be something that big of a complex that could cause traffic. She said it's to me a residential area and I would never think it would be ever proposed to build something massive size in a residential historic area. She said there are horses, beautiful trees. She said I work at the school and I heard that rumor and I was so alarmed I had to run to the Town and they said that should not happen. Ms. Desidero said I would not have said that. Ms. Desidero said what I said was this is about a subdivision. Chairman LaPerch said let me make sure you understand what Ms. Ley said earlier about our Zoning and what might be permitted in residential zones. Ms. Ley said this is a residentially zoned property R-160. She said Recreation is a Special Permit Use in that district, which means that it needs to reach a higher bar to be able to be approved and the recreational uses that are traditionally allowed in R-160 zoning are things that are less intense, for example a golf course, local neighborhood little league field, something that's owned by a church or school. She said that's typically in a residential zone which is what we had advised this applicant when they came to a staff meeting. She said just for clarification purposes for the public, the Planning Board has these staff meetings once or twice a month where applicants come in with a concept and that's the opportunity for them to present an idea about a property which they may or may not own to staff members, representatives from the Town Board and Planning Board and we are able to give them some guidance about what the process would be and what our initial thoughts are and what they may need to do to tweak an application to get it through the approval process. She said that's what those meetings are for and that's what happened back when they initially approached the Town. She said they were advised that this would be a 'heavy lift' to do something of this scale on a road like Starr Ridge Road and we would recommend that you look at some other properties in the Town because we like the concept and we think it would be a good fit for the Town, just not in this location. Ms. Valvano said I agree very much with that idea. She said the other thing was if it was to swap with Pugsley Road... Chairman LaPerch said we're not going there. He said this Public Hearing is for this application and this Board has not seen what's going on... we are focused on this application. He said if you would like to talk to the gentleman afterwards but I'm not bringing that up because we do not have answers for you. He said I don't mean to be short with you but that is not what we are here for tonight. Ms. Valvano said I thought that is what we were here for tonight so I misunderstood. Chairman LaPerch said it was a good question. Ms. Ley said nothing is proposed for this site. She said what the concept is: if the State Legislature approves the alienation of the park land on Pugsley Road then this parcel could be swapped with that parcel and that would be a separate action and would go through its own process. Ms. Valvano said that was my concern because of the traffic so I get it. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Grant Final Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 5 to 0 with 2 absent.

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REGULAR SESSION:

1. **LIFE STORAGE, 1639-1641 Route 22** – This was a Review of an Application for a Final Approval of a Site Plan and Recommendation of a Bond to the Town Board. Gerry Bergman of GPI and Rich Pasternak of Life Storage appeared before the Board. Mr. Bergman gave a brief overview of the changes proposed for the property and buildings. The motion to Approve the Application was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Refer the Application to the Town Board for an Establishment of a Bond was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
2. **JCE Enterprises, LLOC, 12 Old Route 6** – This was Review of an Application for Site Plan Amendment. Architect Robert Cameron and Owner Bill Frank appeared before the Board. Chairman LaPerch said very quickly we reviewed this last time. Mr. Frank said we are adding steps to the second level and some parking. Chairman LaPerch polled the Board for questions and there were none. The motion to Declare Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. Mr. Cameron asked if his referral to the ZBA is still valid and Ms. Ley said yes.
3. **EUTOTECH, 19 Sutton Place** – This was a Review of an Application for Site Plan Amendment. Peder Scott of PW Scott Engineering appeared before the Board. Mr. Scott started to describe the proposed changes to this parcel. Ms. Ley questioned whether the outside storage being proposed was temporary or permanent and Mr. Scott said permanent. After some discussion, it was determined that the plans need to be revised to show what the applicant wants on the site permanently. Chairman LaPerch asked Mr. Scott: when will you be able to make the changes and be back here? Mr. Scott said March 23.

The motion to Approve the Meeting Minutes from February 10, 2020 as written was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor with Boardmember Armstrong abstaining.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

March 22, 2020/CC/VAD

THE FULL AUDIO RECORDING OF THIS MEETING IS AVAILABLE AT:

<https://www.southeast-ny.gov/337/Planning-Board-Audio-Files>